Supplemental Scoping Document

Devils Lake Study Environmental Impact Statement

Prepared for:
U.S. Army Corps of Engineers
St. Paul District
190 Fifth Street East
St. Paul, Minnesota 55101-1638

Prepared by:
Earth Tech, Inc.
3033 Campus Drive North
Suite 175
Minneapolis, Minnesota 55441

July 2001

DACW37-00-D-0003 D.O. 0003
Project No. 44768

DEVILS LAKE STUDY
SUPPLEMENTAL SCOPING DOCUMENT

Environmental Impact Statement

July 2001

Prepared for:

U.S. Army Corps of Engineers
St. Paul District
190 Fifth Street East
St. Paul, Minnesota 55101-1638

Prepared by:

Earth Tech, Inc.
3033 Campus Drive North
Suite 175
Minneapolis, Minnesota 55441

TABLE OF CONTENTS

TABLE OF CONTENTS

LIST OF TABLES

LIST OF FIGURES

LIST OF APPENDICES

1.0 INTRODUCTION

1.1 PROJECT BACKGROUND

This Supplemental Scoping Document was prepared to address recent changes in the Scope of the Devils Lake Study that have taken place since the initial scoping meetings held in 1998. These include changes in the purpose and need for the study and the alternatives to be investigated as described in Section 1.6-Project Update.

As directed by Congress, the U.S. Army Corps of Engineers, St. Paul District (USACE), is preparing an Environmental Impact Statement (EIS) under the terms of the National Environmental Policy Act (NEPA) for the Devils Lake Study.

In 1993, in accordance with Public Law 102-377, the USACE initiated a feasibility study and EIS to address water management needs of the Devils Lake area. The study scope initially included lake stabilization, water quality, recreation, and the enhancement and conservation of fish and wildlife. However, due to the rapidly rising lake levels, the study focus to date has been on flood damage reduction.

Since 1993, an integrated approach to flood damage reduction has been pursued by various Federal, State, Tribal, and local agencies in the basin in an attempt to address the rising lake levels and the damages that are being caused. This approach includes upper basin management to reduce the volume of water reaching Devils Lake, an outlet from Devils Lake to the Sheyenne River to help remove excess water from Devils Lake, and infrastructure protection to provide protection as lake levels rise.

The 1997 Emergency Supplemental Appropriations Act provided up to $5 million under the Flood Control and Coastal Emergency account to conduct preconstruction engineering and design (PED) and an associated Environmental Impact Statement (EIS) for an emergency outlet at Devils Lake. A Notice of Intent to prepare an EIS for an outlet from Devils Lake to the Sheyenne River under Public Law 105-18 was published in the Federal Register on October 21, 1997. That study was not completed.

The Energy and Water Development Appropriations Acts of 1998, 1999, and 2000 included funds for construction of the Devils Lake project subject to a determination of economic justification, compliance with the National Environmental Policy Act (NEPA) of 1969, compliance with the Boundary Waters Treaty Act of 1909, and technical soundness. No funds were provided to the USACE under these authorities.

An amount of $2 million was provided from a supplemental appropriation in Fiscal Year 2000 and another $4 million was included in the Fiscal Year 2001 appropriations. These funds are for preconstruction engineering and design of an outlet from Devils Lake, North Dakota, to the Sheyenne River. The USACE issued a revised Notice of Intent in the Federal Register on December 22, 2000, because of the changed authority and funding.

1.2 DEFINITION OF AN ENVIRONMENTAL IMPACT STATEMENT

An EIS is a written document required by NEPA to be prepared for "major federal actions significantly affecting the quality of the human environment." Major federal actions are defined in the regulations implementing NEPA as actions "with effects that may be major and which are potentially subject to

Federal control and responsibility" (40 CFR 1508.18). An EIS describes the purpose and need for an action, any alternatives that were considered in detail (including no action), the nature of the environment to be affected, and the nature and significance of the environmental effects of a proposed action and alternatives. Mitigation measures must also be described for any effects determined by the agency to be significant under the standards set in the regulations.

1.3 DEFINITION OF SCOPING

Scoping is a vital part of the NEPA process, and is one of the first steps undertaken when planning an EIS.

- It is an "early and open process for determining the scope of issues to be addressed and for identifying the significant issues related to a proposed action" (40 CFR 1501.7).

- It provides agencies with a method to determine the scope of analysis in an EIS, meaning the nature of the actions, the alternatives, and the impacts to be analyzed.

- It helps agencies to "identify and eliminate from detailed study the issues which are not significant or which have been covered by prior environmental review" (40 CFR 1501.7).

- It involves Federal, State, and local agencies, affected Indian tribes, the proponent of an action, and other interested persons (40 CFR 1501.7).

- It is one of the 17 methods of reducing excess paperwork, and one of the 12 methods for reducing delay, as outlined in the regulations implementing NEPA (40 CFR 1500.4 and 1500.5).

No standard format for scoping exists. Agencies have wide discretion in conducting scoping, as long as they get the results needed to continue the NEPA process. The USACE chose to hold meetings with other agencies and officials, with the Spirit Lake Tribe, and with the public. In addition, written comments were solicited through the Federal Register notices, announcements in local media, the USACE and the North Dakota State Water Commission (NDSWC) web pages, at each meeting, and in the draft Scoping Document (June 1998).

1.4 HOW THIS SCOPING DOCUMENT WILL BE USED

For a complex project such as the Devils Lake Study, it is important to define at the outset what specific environmental studies need to be reviewed or conducted before a decision is made. This Supplemental Scoping Document, based on oral and written input from Federal, State, and local agencies, the Spirit Lake Tribe, and other interested persons, describes the scope of actions, alternatives, and impacts to be studied in the Devils Lake EIS, and identifies the significant environmental issues that will be studied in detail, as well as those that are not significant or that have been covered elsewhere.

1.5 INPUT ANALYZED FOR THIS SCOPING DOCUMENT

Input analyzed for this Supplemental Scoping Document came from five sources:

1. Meetings with Federal, State, local agencies, the Spirit Lake Tribe and other entities, including Canada.

2. A series of seven public meetings held in March 1998.

3. Written comments submitted by agencies, organizations, nations, and the interested public.

4. Comments on the 1998 draft Scoping Document.

5. A series of six public meetings held in April 2001.

1.6 PROJECT STATUS UPDATE

The following paragraphs provide a project status update as presented in the March 2001 Devils Lake Study Newsletter.

1.6.1 Purpose and Need

The Purpose and Need Statement set forth in the February 1999 Scoping Document read as follows: "The purpose of the proposed action is the reduction of flood damages and flood protection costs related to the rising lake levels in the flood-prone areas around Devils Lake." However, Congressional interests indicated that the scope of the study was too limited. Of particular concern was that the Purpose and Need Statement did not address the downstream effects that could occur due to a natural overflow from Devils Lake. Addressing this issue required expanding the scope. Therefore, a revised Notice of Intent to prepare an EIS was published in the Federal Register on December 22, 2000. The Purpose and Need Statement now reads as follows: "The purpose of the proposed action is to reduce the flood damages related to the rising lake levels in the flood-prone areas around Devils Lake and to reduce the potential for a natural overflow event."

1.6.2 Concurrent EIS and Preliminary Project Design

The USACE will use its authority and funding to continue collecting data and evaluating alternatives to address the flooding problems at Devils Lake. This will include conducting the necessary environmental impact evaluations required by NEPA and the Boundary Waters Treaty of 1909. However, due to the urgency of needing a plan in place that is ready to implement if flooding conditions dictate, the USACE will move forward with the design of a recommended preliminary plan concurrent with the preparation of the EIS. Once the alternative evaluation portion of the study is completed, preconstruction engineering and design for a recommended preliminary plan will be accomplished. In selecting the preliminary plan to be designed, the USACE will evaluate the plan's cost-effectiveness using standard economic methodologies; as well as economic justification based on a range of lake-level scenarios. The USACE recognizes that if a different plan is eventually recommended in the final Record of Decision (ROD), this design work would have to be redone.

1.6.3 Alternative Update

The proposed project to address the Devils Lake flooding is to construct an outlet that would allow the *controlled* release of Devils Lake water into the Sheyenne River. The USACE will identify and evaluate this proposed action and its alternatives in the EIS, which will be prepared according to federal NEPA regulations. The USACE will evaluate in detail only those alternatives that meet the amended purpose and need, as discussed earlier. The alternatives to be evaluated by this EIS are described below.

1. **Future Without the Proposed Project**: The measures identified with this alternative are the base condition upon which other alternatives are to be compared for impact assessment under NEPA. This alternative assumes that the types of emergency measures currently being pursued in the project area would continue to be implemented as necessary due to rising lake levels. These emergency measures include such actions as raising levees protecting the City of Devils Lake and relocating homes if the lake level continues to rise. If technically and economically feasible, emergency measures may also include building temporary levees, raising selected roads and railroads (within limits of reasonable safety acceptance), and protecting or relocating utilities. Continuing the current level of upper basin storage and measures to minimize erosion at the location of a natural overflow will also be considered. However, proposed actions by the State of North Dakota, such as a channel to Stump Lake and a temporary outlet to the Sheyenne River, are not included in this "without project" alternative at this time. If either or both are implemented, the evaluation of alternatives will be reviewed to determine what measures are needed to complete NEPA with this changed condition.

2. **Upper Basin Management:** This alternative would examine taking further measures in the upper basin to reduce inflow into the lake, such as providing storage through retention structures and wetland restoration.

3. **Expanded Infrastructure Measures:** Roadways currently serve as barriers to the rising and expanding waters of Devils Lake. These roads are acting as dams; however, they were not constructed to function as dams. This presents the possibility of safety concerns for road users and people living in areas protected by the roads. This alternative will examine additional measures beyond those described in the "without project" alternative to ensure a safe level of flood protection within the basin.

4. **Outlets:** Many potential outlet routes and concepts have been evaluated in prior studies and can be adequately addressed in the EIS with minimal additional work. The Peterson Coulee Route (discussed in the March 1998 newsletter) appears to have the greatest potential for effectively drawing down the lake levels, while meeting objectives for downstream channel capabilities, water quality criteria, and ability to implement (Figure 1). Therefore, due primarily to water quality considerations, this outlet alignment plus one or two other west-end alignments, are the only ones likely to be evaluated in more detail among the array of alternatives. Further consideration, however, is needed to define the recommended operation plan. Operation options include a "constrained" discharge of a maximum of 300 cubic feet per second (cfs) of lake water, which would be released according to constraints posed by downstream channel capacity and water quality standards, or an "unconstrained" maximum lake water discharge of 480 cfs regardless of downstream capacity or water quality constraints. Under either scenario, operation would be limited to seven months of the year (May-November).

Figure 1 Devils Lake Map Showing Peterson Coulee Outlet Route and Stump Lake

2.0 SUPPLEMENTAL SCOPING MEETING INFORMATION

2.1 PURPOSE OF MEETINGS

As part of the supplementary scoping process, the USACE, in cooperation with the NDSWC, conducted six public meetings in Devils Lake, North Dakota, and the downstream areas. These public meetings were held in April 2001 by the USACE to facilitate public involvement, to address the currently proposed action and alternatives, and to supplement the NEPA scoping process conducted for the Devils Lake project in March 1998. The purposes of the meetings were to update the public on the current status of the study, to seek any comments regarding the alternatives that the USACE will be carrying into the next phases of the study, and to identify any issues associated with those alternatives. The public was also asked if there were any additional alternatives, concerns, or issues that should be examined. These meetings served to fulfill part of the USACE scoping requirements under NEPA. In addition to accepting oral and written comments at the meetings, the USACE also accepted comments by mail and electronic mail (e-mail) until April 20, 2001.

The goals of the public involvement process are to inform and educate the public and to solicit feedback throughout the planning and design process. The methods used to achieve the goals of the public involvement plan include informing, educating, and involving the public in the project to identify their concerns. This public involvement process also functions for NEPA scoping as required by the Council on Environmental Quality (CEQ). Scoping requirements are quite specific as described in 40 CFR, Section 1501.7. The scoping process follows the procedures outlined by the April 30, 1981, CEQ memorandum. Of particular importance are the requirements to invite participation by affected Federal, State, Canadian, and local agencies, tribal interests, and other interested persons or groups; to determine the scope and the significant issues to be analyzed in depth in the Environmental Impact Statement (EIS); and to determine alternatives to be addressed in the EIS.

The meeting notes in Appendix A provide a summary of the oral and written comments received during the comment period for the six public scoping meetings that were held in the following areas: Pembina, Spirit Lake, Devils Lake, Cooperstown, and Valley City, North Dakota; and Moorhead, Minnesota. These meeting notes identify the general themes and trends of verbal comments made and written comments received at the meetings. Appendix B contains the written comments that were received at the meetings or during the comment period that ended on April 20, 2001.

2.2 MEETING INFORMATION

The meeting dates, times, the approximate number of attendees, and meeting locations are shown in Table 1. At the meetings, the USACE presented a summary of the current findings and project status, identified how comments should be submitted, and then opened the meeting for question and answers followed by formal comments and statements. Since no court reporter was present, those voicing comments were also asked to provide a written copy of their statements for the record. The USACE also accepted mailed (or e-mailed) written comments until April 20, 2001.

TABLE 1

SUPPLEMENTAL PUBLIC SCOPING MEETINGS SCHEDULE

Location	Date	Time	Attendees	Meeting Location
Pembina, ND	Monday, April 2	7:00 p.m.	21	Pembina High School Gymnasium, 153 3rd Street South, Pembina
Spirit Lake Reservation	Tuesday, April 3	9:00 a.m.	39	Auditorium, Spirit Lake Casino, 7889 Highway 57, Spirit Lake (Fort Totten)
Devils Lake, ND	Tuesday, April 3	7:00 p.m.	80	Armory Building, 417 5th Street, Devils Lake
Cooperstown, ND	Wednesday, April 4	10:00 a.m.	19	Community First National Bank, 901 Burrel Avenue, Cooperstown
Valley City, ND	Wednesday, April 4	7:00 p.m.	82	Eagles Club, 345 12th Avenue NE, Valley City
Moorhead, MN	Thursday, April 5	10:00 a.m.	28	Red River Inn and Conference Center, 600 30th Avenue South, Moorhead

3.0 UPDATED SCOPING SUMMARY

3.1 GEOGRAPHIC SCOPE OF ANALYSIS

The geographic scope of analysis for the environmental impacts of the proposed action and alternatives consists of the Devils Lake basin, including the upper basin; the Sheyenne River downstream of the proposed outlet; and the Red River of the North downstream of the Sheyenne River and into Canada. Based on input as part of the supplementary scoping process, the USACE has requested water quality data from Canada in order to allow the geographic scope of analysis to extend into Canada.

3.2 SCOPE OF ALTERNATIVES

During studies that have been conducted over the last several years, a number of alternatives were investigated to reduce damages caused by rising lake levels. These included levees, zoning, control of drainage, raising upstream lakes, various outlet channel alignments, and water treatment methods. A number of these measures were dropped from further consideration for various reasons. The information from these previous studies will be summarized in the EIS.

Numerous comments at the supplemental scoping meetings and during the comment period pertained to alternatives related to upper basin storage, an east end outlet, concern about armoring the natural outlet, and infrastructure protection. Comments received are summarized in Appendix A and written comments are listed and presented in Appendix B. The following measures will be evaluated in the EIS and their potential effectiveness discussed. Detailed analyses and project design may result in changes in project features.

3.2.1 Upper Basin Storage

This includes restoring wetlands, raising existing lakes, re-routing Channel A, closing illegal drains, expanding the Conservation Reserve Program, adopting minimum tillage, etc. It will be evaluated as a stand-alone alternative and in combination with other measures. The purpose of upper basin storage is to reduce the volume of water reaching Devils Lake.

3.2.2 Expanded Infrastructure

This includes additional levees and road raises within the Devils Lake basin. It will be evaluated as a stand-alone alternative and in combination with other measures. The purpose of infrastructure protection is to provide protection as the lake level rises.

3.2.3 Outlets to the Sheyenne River

The re-evaluation of outlet alternatives will review one to three outlet alternatives with the 300 cfs constrained and 480 cfs unconstrained operating plans. Due to input received at the supplementary scoping meetings, an east end outlet will be evaluated with the 480 cfs unconstrained flow operating plan. The 300 cfs constrained operating plan would not be feasible for an east end outlet.

3.2.4 Combinations of the Above Alternatives

The alternatives listed above will be assessed in combination with other alternatives.

3.2.5 Future Without Project

The Future Without project condition assumes:

- That the current level of emergency measures will continue. In addition, a sensitivity analysis will be conducted assuming no more emergency measures would be implemented.

- That the lake level will be based on a probability weighted model, which includes the analysis of 10,000 future possibilities of wet, dry, and intermediate futures. In addition, a scenario based analysis will be conducted which assumes that the current wet cycle will continue to the point of causing Devils Lake to naturally overflow into the Sheyenne River.

- That measures to minimize erosion will take place at the natural overflow location. In addition, a sensitivity analysis will be conducted with no erosion minimization measures taken at the natural overflow location.

- That neither the Stump Lake channel nor a temporary outlet is in place.

3.3 SCOPE OF ISSUES TO BE ADDRESSED IN THE EIS

The USACE has identified issues that would need to be addressed in the EIS through input from public scoping meetings in 1998 and internal and interagency meetings, discussions, and correspondence. Many issues, such as cultural resources and relations with other states and nations, must be addressed due to some form of legal requirement (law, Executive Order, regulation, treaty, or other agreement), and will be covered in the EIS to the extent necessary to ensure that these legal requirements are fully met. Examples include the coordination required with the Spirit Lake Tribe, the Canadian government, and procedural coordination concerning any identified threatened or endangered species and cultural resources.

Based on the previous scoping process and the analysis of written and oral comments received as part of the supplemental scoping meetings, the USACE has determined which issues will be evaluated and which will be summarized in the EIS.

3.3.1 Significant Issues to be Evaluated in the EIS

The following issues were identified by the USACE through input from public scoping meetings and agencies as significant, requiring evaluation in the EIS. Due to supplemental scoping meeting input, social issues were added to this list and biota transfer was identified as a separate issue rather than a component of other issues. The importance of these issues may change as the EIS process proceeds.

3.3.1.1 Downstream Water Quality

This issue includes questions about sulfates, total dissolved solids, mercury, and other water quality parameters in the Sheyenne and Red Rivers.

3.3.1.2 Downstream Water Quantity

This issue includes downstream flooding both with and without storm events, effects on the operation of the fish hatchery at Lake Ashtabula, questions regarding specific water levels at specific locations on the Sheyenne and Red Rivers, and discussions of the application of flood modeling (including the Virtual Flood model) to impact predictions.

3.3.1.3 Water Quantity in Devils Lake

This issue covers most aspects of the current flooding issue. It includes consideration of future flooding potential, damage to public and private lands and infrastructure, effects on businesses (including those related to recreation), and consideration of low water levels as well as the current high water levels. The effects on the upper Devils Lake basin will also be included here.

3.3.1.4 Social Issues

This issue includes impacts to neighborhoods, increases in stress and clinical depression due to the rising lake level and project impacts (such as property impacts and cultural and spiritual values), and the evaluation of the potential for impacts to environmental justice communities.

3.3.1.5 Economic Issues

This issue includes questions about infrastructure impacts (such as sewers, roads, and levees), as well as specific issues around tax base, economic viability of businesses including farms, and the effects on agriculture and other businesses. It also includes treatment of cost-benefit and other standard economic analyses.

3.3.1.6 Water Users/Water Supply

This issue includes topics concerning irrigators, municipal and industrial water supply, water treatment facilities (capacity, potential need for upgrading and related costs), and issues affecting permitted dischargers, especially downstream.

3.3.1.7 Downstream Natural Resources

This issue includes potential effects on designated special areas (such as scientific and natural areas, wetlands, wildlife areas, and forests), as well as any threatened or endangered species that may occur in the geographic scope of analysis. This issue will be analyzed due to legal requirements related to Federal threatened and endangered species.

3.3.1.8 Biota Transfer

This issue includes the potential for the transfer of biota from Devils Lake to the Sheyenne and Red Rivers and the potential for the introduction of invasive species.

3.3.1.9 Other States and Nations

This issue includes topics such as conformity with the 1909 Boundary Waters Treaty with Canada and certain specific topics of interest to the State of Minnesota. This issue will be analyzed due to legal requirements.

3.3.1.10 Spirit Lake Tribe

This issue includes numerous legal topics, including a lawsuit regarding the specific boundaries of the Spirit Lake Reservation, as well as the overall issue of sovereignty, the status of Tribal Trust resources, the nature and location of any cultural resources (including traditional cultural properties) that might be eligible for the National Register of Historic Places, economics, environmental justice, and impacts on groundwater under the reservation. This issue will be analyzed due to legal requirements and coordination with the Spirit Lake Tribe will continue.

3.3.1.11 Downstream Erosion and Sedimentation

This issue includes impacts to riverbanks and shorelines on the Sheyenne and Red Rivers, as well as Lake Ashtabula. It involves questions about bank stabilization (mitigation), severity of erosive effects, overbank flooding, elevation of the floodplain, effects on river stage, short- and long-term water level changes, and combined discharges. It is clearly related to Downstream Water Quality and Operations.

3.3.1.12 Operational Issues

This issue includes numerous specific topics, including who pays for the project (construction, maintenance, operations, decommissioning); the nature of operational constraints or conditions (such as water quality standards, ice jams, or storm events); under what circumstances an outlet would "kick in" (elevation or other release triggers, seasonal or other operating windows); design pump capacity and direction of flow; fish entrapment; and notifications and other day-to-day operational parameters. Overall efficiency and effectiveness of the proposed outlet under various conditions are included as well.

3.3.1.13 Groundwater

This issue includes questions of the relationship of Devils Lake with the Spiritwood Aquifer, including water quality, water quantity, flood levels, and soil salinity. It also includes the effects of outlet operation on groundwater levels along the Sheyenne River.

3.3.1.14 Devils Lake Agriculture

This issue includes topics such as the effects of higher water tables, reduced land base, and soil salinity on agriculture in the Devils Lake basin currently affected by flooding. This issue is closely related to Economic Issues.

3.3.1.15 Downstream Agriculture

This issue includes topics such as the effects of higher water tables during outlet operation, potential problems at river crossings during high water, the nature and availability of water for livestock, and potential for bank erosion (related to Downstream Erosion and Sedimentation and Groundwater).

3.3.1.16 Devils Lake Natural Resources

This issue includes potential effects on designated special areas (such as scientific and natural areas, wetlands, wildlife areas, and forests) as well as any threatened or endangered species that may occur in the geographic scope of analysis. This issue will be analyzed due to legal requirements related to Federal threatened or endangered species.

3.3.1.17 Cultural Resources

This issue includes potential effects on archaeological and historical resources (including traditional cultural properties) that may be eligible for the National Register of Historic Places. This issue will be analyzed due to legal requirements.

3.3.1.18 Water Quality in Devils Lake

This issue includes sulfates, total dissolved solids, mercury, and other water quality parameters currently affecting the communities surrounding Devils Lake, including business and industry (agriculture and recreation). Water quality in Devils Lake is also related to Operational Constraints for the Proposed Outlet and to Downstream Water Quality.

3.3.1.19 Downstream Aquatic Resources

This issue includes topics related to fishery health, effects on riverbank (riparian) vegetation, Red and Sheyenne River fishery, mussels, and plankton and other nutrients.

3.3.1.20 Devils Lake Aquatic Resources

This issue includes potential effects on the recreational fishery in Devils Lake, along with water quality, bioaccumulation of mercury, plankton, and other nutrients.

3.3.1.21 Devils Lake Recreation

This issue includes potential effects on the recreational fishery at Devils Lake, as well as any boating hazards associated with the alternatives.

3.3.1.22 Downstream Recreation

This issue includes potential effects on the Sheyenne and Red Rivers, as well as Lake Ashtabula, and includes both fishery and boating (summer) recreation and snowmobiling and other winter recreation activities.

3.3.2 Issues to be Summarized or Not Addressed in this EIS

The following issues were identified as not significant, not significantly impacted by the project, or beyond the scope of analysis for this EIS. They would be summarized in the EIS or dismissed as not significant.

3.3.2.1 Rocketing and Weather Patterns

One written comment was submitted regarding this issue, in which the use of rockets and their possible perturbations on weather patterns was suggested as a cause of the current flooding problems at Devils Lake and elsewhere. Because this is not a potential environmental impact of the Devils Lake Study, it is outside the scope of analysis.

3.3.2.2 Noise

Noise was not identified as a significant issue.

3.3.2.3 Air

Air was not identified as a significant issue.

3.3.2.4 Mineral Resources

Mineral resources were not identified as a significant issue.

3.3.2.5 Energy Production

Energy production was not identified as a significant issue.

3.3.2.6 Inlet to Devils Lake

As stated in PL 105-62, this issue is outside the scope of the EIS.

3.4 ADDITIONAL COMMENTS

Many oral and written comments were received at the public meetings, along with numerous technical questions that were responded to at the meetings by USACE and NDSWC staff.

APPENDIX A

COMMENT SUMMARY
SUPPLEMENTAL SCOPING MEETINGS

TABLE OF CONTENTS

TABLE OF CONTENTS

Section **Page**

SUPPLEMENTAL SCOPING MEETING COMMENT SUMMARY
Devils Lake Study

This appendix summarizes the general trends and themes of verbal comments made at the meetings and contained in written comments received during the public comment period. Comments have been divided into categories or issues. Written comments are included in Appendix B. Where a comment was summarized from a written comment, the written comment identification code is noted. The written comment identification code is comprised of:

- Meeting location if the comment was submitted at a meeting (i.e., P=Pembina, SL=Spirit Lake Reservation, DL=Devils Lake, C=Cooperstown, VC=Valley City, or M=Moorhead).
- Submittal date code (e.g., April 4, 2001=040401).
- Name of commentor (if known).

This code allows the reader to identify and review written comments in Appendix B related to the summaries presented here if they are interested in reading the original comment. Comments without the code were summarized from verbal comments made at the meetings. Written comments that were read at the meetings are summarized under the written comments section for each issue.

1.0 TIMING/SCHEDULE

1.1 VERBAL COMMENTS SUMMARIZED FROM SCOPING MEETINGS

How realistic it is for the U.S. Army Corps of Engineers (USACE) to complete the study in two years after they have been studying the situation since 1988?

If the USACE gets the green light in October 2002 - when would the outlet be built?

Aggressive study, but somewhere between final NEPA and construction the project will need funding. If congress does not fund, the project will never be constructed.

If you are not going to build the outlet just say so.

Has construction funding been requested, if not why not?

Why is it taking so long? Why haven't the plans been developed?

Why hasn't action been taken? How many more years of study and how much more money will be spent before something concrete is done?

Seems like we are spinning our wheels, millions have been spent on saving Devils Lake that should have been spent on the outlet, not studies, meetings, etc.

1.2 WRITTEN COMMENTS SUBMITTED DURING THE COMMENT PERIOD

No Date-Moore: The USACE should follow and abide by the directives for an outlet from Devils Lake, North Dakota, to the Sheyenne River as stated in pages 909-910 of the Budget of the U.S., FY 2001. I believe that the USACE should conduct a full and complete analysis of this project and not treat this project as an emergency. Since there is so little scientific data on the Sheyenne River, one or two years of studies are not adequate to determine a baseline and predict the impacts on the biota.

2.0 SCOPE OF ALTERNATIVES/GEOGRAPHIC SCOPE OF ANALYSIS

2.1 UPPER BASIN STORAGE

2.1.1 Verbal Comments Summarized From Scoping Meetings

What does the Upper Basin Storage (UBS) plan consist of? What would the total effect of UBS be? Why is the USACE automatically looking at an outlet? How much success has there been in establishing UBS?

What other alternatives are there other than the outlet? What about UBS, plugging up drains, rerouting Channel A, etc.?

What is the status of the UBS study? Would every drained wetland be restored? How much UBS is available? We believe the U.S. Fish and Wildlife Service numbers.

How much additional evaporation would there be with UBS? UBS will have benefits every year because of evaporation.

The North Dakota State Water Commission (NDSWC) has indicated they have no intent to control or put a moratorium on future drainage.

Should look at impacts of drainage moratorium. This is a real concern.

Could people with UBS get federal compensation? Are you looking at every wetland as part of the UBS plan? How are landowners responding to this?

Why aren't we closing the 22,000 documented drains? If drains had been closed four years ago how much lower would the lake be today?

Natural overflow is not natural until all upper basin wetlands have been restored. Soil salinity hazard report related to UBS is flawed.

Need moratorium on wetland drainage.

I don't think that much UBS is available. Prediction probabilities have been inaccurate. Armoring of the outlet should not be assumed. The lake region should not be made to armor the outlet. Models show lake would stabilize at 1,446-1,447 feet; there would be devastation with a natural overflow. Downstream interests need the outlet, too.

Drainage occurring in the Devils Lake Basin is probably less than is done in the Sheyenne River Basin; they also contribute to flooding. We don't want to close drains for economic reasons.

What about the estimated 22,000 drains in the Devils Lake Basin and how they affect the water level in Devils Lake? What will be done about them?

Upper basin storage is not as simple or effective as it may seem.

Should look at UBS by restoring wetlands and purchasing land to reimburse people for downstream and upstream effects.

Why hasn't there been a good study of UBS? The problem with upper basin management is that the correct actions are not being taken. The 20,000 illegal drains help fill the lake.

There is nothing about UBS or property rights in current list of issues.

Something has to be done about drains in the upper basin, people downstream don't want the water.

Need to consider UBS. What is the effect of drainage and Channel A addition? What would be the impact of shutting the gate?

What is being done to stop drainage in the Devils Lake Basin?

2.1.2 Written Comments Submitted During the Comment Period

DL040301-Erickstart: Regarding UBS, artificial storage results in salts washing up on adjacent land and destroying quality productive lands. Newly exposed salts are washed downstream into the lake. Is it mandatory that an EIS be done before UBS is implemented?

VC040401-Berg: There is misconception that the Devils Lake Basin can hold a significant amount of water upstream. We have been storing water in the upper basin since the wet years began. Townships don't want more water destroying roads. The NDSWC has had a program since 1995 and everyone that can store water is doing so.

VC040401-Betting: How much has drainage in the upper basin of Devils Lake contributed to added flooding on Devils Lake? Raised objection to the study done by the Bureau of Reclamation entitled "Pilot Project: Wetlands Inventory and Drained Wetland Water Storage Capacity Estimation for the St. Joe-Calio Coulee Subbasin of the Greater Devils Lake Basin, North Dakota." The U.S. Fish & Wildlife Service information shows more drained wetlands and seems to be more accurate. Upper basin drainage is the key issue to Devils Lake flooding and needs to be addressed. Correlate annual precipitation in the Devils Lake basin and the upper basin in the last 100 years with the number of drains constructed and compare this with the rise and fall of Devils Lake. Can the recent rise be attributed only to an increase of annual precipitation?

VC040401-Tangen: Wants the USACE to identify drains, which are causing most of the flooding and shut them off.

VC040401-Voldal: Instead of building an outlet, use the money to provide storage for water in the upper basin. Buy suitable drained wetlands from willing sellers. If necessary, condemnation procedures could be used to purchase areas at fair market value. This alternative would keep more water out of Devils Lake than any of the proposed outlets could remove. It could be implemented for the same cost of about $100 million and would avoid all damages to the Sheyenne River (flooding, bank erosion, and poor water quality), will not require the $1.3 million in operation costs, and appears to be a much better long term investment.

041601-Beard, National Audubon Society: Construction of a man-made outlet should only be considered after exhausting all in-basin measures to manage water. The USACE analysis should begin

with an accurate picture of the extent and effect drainage of wetlands has had on the upper basin area. We have serious concern that continued wetland drainage could easily offset any flood benefits derived from a selected project alternative.

No Date-Bemis: This subject has been discussed many times in the Valley City and other areas. A longtime employee of "Wetlands" testified at a Valley City, meeting that the drainage going into the lake is probably the main cause of the lake rising. Why not shut off the drains to the lake? Does it make sense to keep the water flowing into Devils Lake and spending millions of dollars to drain it out again?

041701-Paulson, Peterson Coulee Outlet Association: Section 3.3 (1999 Scoping Document) needs to include upper basin management needs. It's scope should encompass enhanced storage areas.

040801-Pearson: Wetland Drainage-Land use changes, particularly wetland drainage, have substantially contributed to the rate of water rising in Devils Lake and water quality impacts. Approximately 1.7 million acres have been converted from grasslands and wetlands to cultivated cropland. Tens of thousands of acres are drained directly to Devils Lake through drainage systems and channels. The EIS needs to identify the contribution of wetland drainage to the current rise in the lake and how it will increase the potential for an overflow to the Sheyenne River. Cited several studies and other technical information suggesting that a total of 212,000 to 369,000 acres of wetlands have been drained into the Devils Lake basin. The EIS should address the contribution of drainage as compared to the impacts without wetland drainage. It should discuss impacts with and without an outlet of continued wetland drainage in the basin on the level of the Lake and the potential for an overflow, and identify the measures to be implemented to prevent further wetland drainage in the basin in order to protect the public investment in the proposed action and the other alternatives. It should describe a program for monitoring wetland drainage and the effective enforcement of restrictions on wetland drainage and discuss how the Corps proposes to assure that the program is implemented before further public funds are expended.

Wetland Restoration-Potential to increase storage is not limited to larger lakes in the upper basin. Wetland restoration can add to the ability of wetlands to capture water before it reaches lake. Additional, drainage of wetlands in the basin must be prohibited.

041201-Perkins: There is ample evidence that suggests that much of the problem at Devils Lake is due to upland drainage. Therefore, I believe the EIS should address the alternative of closing the upland drains.

No Date-M. Sauer A: Considering the flows in the Sheyenne River the past few years, in this wet cycle, the possibility exists for massive damage to the Sheyenne and all in its path. I would ask that a moratorium be placed on all drainage and clean-outs in the upper basin and the Sheyenne River Basin at least until any outlet is closed and permanently discontinued.

040401-Vig: There are three main flaws in the assumptions made to provide input to the Record of Decision that I have examined so far. The first is the assumption that Devils Lake will overflow. A 1.8 percent chance the lake will overflow is hardly an assurance. Furthermore, it is flawed to characterize the overflow as "natural" unless all drained wetlands are restored.

The second flaw is associating Upper Basin Management with ASAP. There are 22,700 man-made drains in the Devils Lake Basin. Furthermore, the estimated wetland depth of 8.5 inches is way to shallow. I would ask that any reference to ASAP be eliminated and that Upper Basin Management be equated to mean complete wetland restoration.

The third flaw is in the Soil Salinization Hazards Report. If the USACE is not considering bringing in fill containing shale and dolomite from outside of the Devils Lake Basin to plug man-made drains, then the potential for soil salinization is not increased. A basic and defensible assumption is "when it's wet, its wet all over."

2.2 NATURAL OVERFLOW

2.2.1 Verbal Comments Summarized From Scoping Meetings

What is the chance of a natural overflow? When would it likely occur and what would the results be? Is Tolna Coulee the only natural outlet or is there another one from East Devils Lake?

How can you take for granted that the natural overflow will be allowed to be armored? I don't see how the community would allow that. Legally, why can't we just let nature take its course and let the natural outlet overflow and erode naturally?

The USACE is just going to do what it takes to protect the natural outlet overflow.

Should run model both on natural outlet overflow and the lower eroded natural outlet.

Is there anything in the 1909 Treaty with Canada saying that we can't clean out the natural outlet? About 20 feet of silt should be cleaned out to the natural elevation.

The probability of overflow is likely underestimated if you look at the long history of Devils Lake water levels consistently exceeding probability.

The people downstream have no ownership of this problem and lake needs to be controlled by an outlet. There are those who believe that the lake will overflow, then we will have a major problem. The impact of doing nothing isn't just on Devils Lake people. Even East Bay water would be better than Stump Lake water.

We were told this lake would not be allowed to overflow, but it keeps growing and exceeding all expectations. People downstream are not prepared for a catastrophic overflow. Talk of armoring the natural outlet may reinforce the myth that we can prevent a natural overflow and offer people downstream false sense of security.

Can you take the wording about armoring out of the EIS?

Have you studied the impact of a control structure at 1,459 feet on the Devils Lake people? We want to send the water out as fast as we can. Why not lower the elevation?

An attendee asked the farmer owning the area of the natural outlet if he would allow them to armor the outlet. He responded, not if he could help it, unless they put it in at a lower level.

If the USACE armors the outlet will they take on the liability? If not, do you think that someone else would take on the liability of armoring the natural outlet?

State bridges are raised to 1,463-1,464 feet, the USACE talks about armoring, and you're telling us not to worry about it?

The upstream impacts of levee construction and armoring the outlet are not on the list of issues.

How long will it take for the water to reach the natural outlet to the Sheyenne River?

How stable is the area by Stump Lake? How secure is the area if it outlets naturally? When did it happen in the past? Is the amount of erosion predicted to occur a scare tactic? If erosion occurs can it be controlled?

We have witnessed drastic weather changes and water levels on the Sheyenne River. The big question is whether the natural overflow will occur. If it does we are in real trouble.

What is the likelihood of a natural overflow?

Will overflow into Stump Lake increase the surface area for evaporation?

Is the natural outlet silted in and if so how much?

What are we doing, if there is a two percent chance that a natural overflow will happen over 50 years, this means there is a 98 percent chance that it won't. Overflow is not realistic.

Representative Traynor implied that wood was found at 19 feet and that the outlet would erode to that level again - not true.

How much storage is available in Stump Lake?

U.S. Geologic Survey report says that erosion would go to 1,447 at natural outlet - not true.

If catastrophic overflow occurred would you allow it to flow unencumbered? Would the USACE allow it to overflow?

Disagrees with U.S. Geological Survey and others implying deep erosion at the natural outlet. The soil profile shows deposits at eight feet that are 7,000 years old and deposits at four feet that are 6,000 years old. This implies it did not wash out. This is a scare tactic and misleading - not good information and not good science. We are opposed to additional drainage into the Sheyenne River.

When would a natural overflow occur based on a wet cycle?

Natural outlet would be catastrophic for those downstream.

What economic studies are being done for natural overflow?

2.2.2 Written Comments Submitted During the Comment Period

042001-Mahfood, Missouri Department of Natural Resources: Oppose expanding the purpose of the proposed action to include… "reduc[ing] the potential for a natural overflow event." They state that this is not within the scope of the statutory language appropriating the funds for "preconstruction engineering and design of an emergency outlet." The Missouri Department of Natural Resources requests that the USACE not expand the scope of study as proposed.

041701-Paulson, Peterson Coulee Outlet Association: By revising the original scope and adding "and to reduce the potential for a natural overflow event," a further revision to state the goal of the project is to improve water quality and biological habitat of Devils Lake.

040801-Pearson: Potential for Overflow to the Sheyenne River - The EIS should address statements in the June 2000 U.S. Geological Survey Fact Sheet as presenting the worst case climatic scenario. In addition, even if Devils Lake reaches an elevation of 1,459, any overflows to the Sheyenne River would be substantially less than those described in the Fact Sheet. The EIS should address the misinformation regarding the potential for a catastrophic spill resulting from Devils Lake water eroding the Tolna Coulee 15 to 20 feet and releasing up to two million acre-feet of water into the Sheyenne River. The report by Murphy, et al., demonstrates the opposite, that the potential for significant erosion from an overflow is very low. The letter provides more information as to why the commentor believes that the catastrophic overflow is a myth with no basis in scientific fact. The EIS should evaluate the alternative of constructing a control structure to regulate the flow through the Tolna Coulee in the remote event that Devils Lake should approach 1,459 feet even after extensive wetland restoration in the basin.

No Date-Unknown A: Don't believe for a minute, that if you build a structure or armor the natural outlet, that the Devils Lake Basin wouldn't be in court prohibiting such a move. Try using the past eight years for your projections because by using the past 50 years you haven't been close. We were assured that the cost-benefit ratio wouldn't be affected by improving the infrastructure by Dorgan - What happened? You are killing our area by your inability to do anything but study.

2.3 EAST END OUTLET

2.3.1 Verbal Comments Summarized From Scoping Meetings

Would prefer to have Stump Lake control, but then Nelson County would have a problem. So what about an east end outlet? What would the effect be on Devils Lake water quality?

Look at an east end outlet at 1,441.

The USACE needs to look at doing something to take water out of the east end. The USACE needs to look at how to put clean water in the Sheyenne River using water quality treatment. Dr. Hunt's process is possibly the most cost-effective method.

2.3.2 Written Comments Submitted During the Comment Period

DL040301-Herman: Downstream effects have been overemphasized. We will need Missouri River water in the future to stabilize the lake in a dry cycle. Natural release through Tolna Coulee would be disastrous. The U.S. Geological Survey states that the erosion would continue to 1,446.5, this lends support for an operating lake level near present levels. Also, highway and road raises would be minimal. If lower water quality in Stump Lake is objectionable, Devils Lake water could be channeled along the west end of Stump Lake to Tolna Coulee to capture fresher water and allow the blending of water. Why spend another 100 million studying and building an outlet that will ruin the lake with an upcoming dry cycle. Look at a Tolna Coulee outlet. We have lost cost/benefit ratio to favor an outlet due to the moving of houses, etc. With the lake at 1,460, we would loose another 100,000 acres of prime farmland and it would not be feasible to raise several highways. This, along with losses downstream from an uncontrolled overflow, justifies prompt construction of the lowest cost and most natural Tolna Coulee

outlet. We should not be intimidated by fears of litigation. Those preventing the operation of an outlet can be held responsible for damages. Federal funding should mitigate downstream impacts. The cost of this unnatural addition to favor downstream concerns should not be borne locally. With a stable lake, recreation and tourism development could go forward.

VC040401-Berg: People want clean water. You must ask yourself if the best water from Devils Lake isn't acceptable, then why are we considering an outlet with anything less than a purification plant? People from Devils Lake don't want a west end outlet that will destroy the lake. The Devil lake outlet has a price tag of 100 million with 3.5 million in operating costs. The cost of a water purification plant is about 100 million with an annual operating cost of 2 million. When you compare these, why wouldn't you spend the money on a solution that repairs the problem? An east end water purification plant is the only plan that solves the environmental concerns as well as the flooding issue.

VC040401-Herman: Favors east end outlet. Armoring the Tolna outlet to prevent erosion and flood is not fair to those flooded by the lake. Controlled outlet prevents both floods. Every inch taken off of Devils Lake is important. Downstream effects have been overemphasized and given priority over Devils Lake. A west end outlet will destroy the lake; an east end outlet is better. Devils Lake could store water for release when Fargo, etc., need it, and could provide for increased irrigation. Biota would return if lost. Minnesota should be a good neighbor. They have drained lakes into the Red River and have dikes along the Red River that are two feet higher than the North Dakota side. There will be little effect at the Canadian border. Canada has diked along the Pembina River to force flooding on the North Dakota side. May need to renegotiate treaty with them.

No Date-Bittner: In regards to the outlet for Devils Lake, North Dakota, I am all for an east end outlet, but am opposed to a west end outlet because that would ruin the lake by taking the fresh water off the west end. I think your cost benefit ratio is gravely flawed. The biota issue is also flawed that all has been transferred many times already. By putting a dam on the Sheyenne River, you could run water into the west end of Devils Lake and use it for flood control.

041701-Schneider: I'm writing this letter to urge the USACE to build an east end outlet on Devils Lake. I feel that many of the so-called water quality problems will never materialize. I believe that an outlet out of East Devils Lake or mid Devils Lake should be built because it closely follows the natural drainage routes of the lake and also makes use of gravity to move the water. I'm extremely frustrated with the "endless" studying of Devils Lake flooding. Every additional year spent studying the flooding situation is another year that money is wasted. I urge the USACE to construct an east end outlet as soon as possible to maximize benefits.

No Date-Unknown B: First we would like to state that all of the scoping comments our association originally submitted, dated August 26, 1998, are still valid. It was overwhelming to see the public support for an outlet project located along a route from Stump Lake to the Sheyenne River. The focus of the study needs to shift away from primarily flood damage reduction towards the consideration of all factors involved in the water management needs of Devils Lake.

2.4 WEST END OUTLET

2.4.1 Verbal Comments Summarized From Scoping Meetings

If you take the water from the west end that has the better water quality, will the water quality in lake get worse? What is the effect on the fishery?

Opposed to west end outlet, concerned that the USACE is not using weighting factors. Most important issue is not just outlet water quality. Need to take whole thing into consideration. Is the USACE considering that if we take the good water out the lake will eventually be dead?

Are you prepared to pay the operating costs for a west end outlet and then end up with a bad lake?

2.4.2 Written Comment Submitted During the Comment Period

DL040301-Chattin: Those in the definite minority still believe the USACE needs to hold with the west end controlled outlet.

2.5 OTHER GEOGRAPHIC SCOPE OF ANALYSIS/SCOPE OF ALTERNATIVES ISSUES

2.5.1 Verbal Comment Summarized From Scoping Meetings

Are you looking at the Red River dams to moderate water quality effects? Are there any assurances that an inlet would not be constructed?

2.5.2 Written Comments Submitted During the Comment Period

No Date-Beach: This letter describes the advantages of using an open channel at the Twin Lakes over a pumping plan at Twin Lakes. An open channel can look very natural, there will be no cost to run, and no noise. When it was finished it could act as an inlet or an outlet.

041601-Beard, National Audubon Society: We support the USACE study assumption of a base condition that there would be no downcutting of the natural outlet, under all scenarios. The no-action alternative should be based on a normal climate pattern.

We request that the scope of study incorporate the entire Sheyenne River Basin and Red River Basin, including Lake Winnipeg.

We are surprised and disappointed to learn that the USACE plans to initiate design of an apparently pre-determined preferred alternative well before the Draft EIS is completed.

An overarching consideration for this study must be the ultimate adoption of a combination of measures for management of Devils Lake that protect improvements and transportation routes and that also meet a rigorous test of economic feasibility, while protecting and restoring natural resource values.

We share the serious concerns of Canada and Minnesota as to the potential impacts on the Red River and Lake Winnipeg Basins by the introduction of presently known and unknown forms of biota from Devils Lake.

The consideration of the USACE buying the flooded property around Devils Lake and managing it as a greenbelt for wildlife habitat and possibly lease back to the farmer during low lake levels should be considered.

040901-Kapinski: I attended your scoping meeting at Valley City on April 4, 2001. After listening to all the speakers, I have a suggestion for you to consider. Build a large earthen dam across the Sheyenne River where North Dakota Highway 1 crosses the river south of Pekin, North Dakota. Put a control structure in it to limit the amount of water that would pass through the dam. This dam would be a dry dam, only impounding water when Sheyenne water levels were high enough to cause flooding downstream. You could have North Dakota Highway 1 cross the top of the dam like the Garrison Dam.

041701-Paulson, Peterson Coulee Outlet Association: The geographic scope of analysis should be revised to include the Red River Basin in Canada.

See also reference to include Canada in geographic scope of analysis under "Other States and Nations."

In Section 3.0 some of the alternatives dropped from further consideration were "various outlet channel alignments." This is not acceptable and will not produce the best alternative for the project at the conclusion of the EIS process. All reasonable channel alignments should be discussed in the EIS as separate alternatives.

In Section 3.1 of the scoping document, the word "emergency" should be dropped from the phase "emergency outlet." We object to the consideration of this project as an emergency, because there is no threat of loss of life from the lake now, or in the foreseeable future. The first sentence should be revised to state "A number of routes and conveyance methods will be considered as alternatives." To only discuss them is not legally sufficient. The EIS should contain a discussion of a separate control structure at Stump Lake.

Section 3.2 should include a description and cost estimate for the construction of a levee at Minnewaukan, since this city will be the one affected if the lake level rises. The levee would also serve as the relocated U.S. Highway 281.

040801-Pearson: Outlet to the Sheyenne River - The EIS should address in detail the direct and indirect, cumulative effects on the entire ecosystems an outlet would have on the Sheyenne River. The EIS should also discuss in detail the potential impacts of the proposed outlet alternatives on the Devils Lake ecosystem and Lake Ashtabula.

No Date-M. Sauer B: Consider a pipeline from Devils Lake to the Red River at Fargo. This stops all downstream impacts and could also be used in the future to supply water to eastern Devils Lake. Consider no outlet and close all incoming drains. Buy property and contain the problem there. I have enclosed graphs showing the high flows of the Sheyenne River.

3.0 SCOPE OF ISSUES

3.1 INFRASTRUCTURE PROTECTION

3.1.1 Verbal Comment Summarized From Scoping Meetings

How stable are the basin highways that are acting as dikes?

Are you looking at equalizing water pressure for roads? Roads are acting as dikes/dams and should be shored up to protect people on other side.

3.2 DOWNSTREAM WATER QUALITY/WATER USERS

3.2.1 Verbal Comments Summarized From Scoping Meetings

Member of Manitoba legislature said that water quality is their main concern. He expressed concern about the effect of Devils Lake water on Red River water users, some pipe water 50 miles from the river. Quality of water and design of treatment facilities are issues. Consider mixing water at Pembina Dam to reduce water quality problem, referenced Pembina River project.

What about systems for water treatment?

Is there a chance that our water will be more polluted by the time it gets to Canada? By the time it goes 900 miles to Lake Winnipeg it will go through Fargo, Grand Forks, Valley City, etc. Isn't the water more polluted then when it started out? Are we going to be accused of being the culprit? What are the water quality effects?

Lake Winnipeg is the 13th largest freshwater lake in the world. We could dump all of the water from Devils Lake into it without causing a problem.

Why can't we use water treatment?

How many drains occur along the Sheyenne River?

The U.S. Geological Survey report says overflow causes water quality problems and an outlet would greatly reduce or eliminate the problems-not true.

Need to evaluate downstream effects on water quality, quantity, recreation, water supply, water users, etc.

If the water quality so bad, why not treat it? Why do we care about Canada, they don't care about us.

Is the effect on downstream water users being evaluated?

3.2.2 Written Comments Submitted During the Comment Period

VC040401-Betting: Will putting Devils Lake water into the Sheyenne River violate water quality criteria? If so what is the explanation or justification for this? How will it affect potable water availability and cost?

041601-Beard, National Audubon Society: The USACE should be aware of and consider that the Dakota Water Resources Act requires the evaluation of water supply alternatives.

041801-Bloongren, Minnesota Department of Health: The report entitled "Downstream Surface Water Users Study" prepared by Barr Engineering in March 1999 did not include the City of East Grand Forks. The report noted that the city did not draw water from the Red River of the North and therefore was excluded. Since that time, the City of East Grand Forks has been exploring an intake from the river. Given this new information we request that the scope be expanded to include the City of East Grand Forks.

3.3 DOWNSTREAM WATER QUANTITY

3.3.1 Verbal Comments Summarized From Scoping Meetings

How can you put water in the Sheyenne River without causing flooding? If you are assuming wet cycle for Devils Lake then you also have to assume a wet cycle for Sheyenne River also.

Why put water in the river during snowmelt?

The river can't take water during wet periods and won't get it during the dry periods when it is needed.

What are you going to do to help Valley City get ready?

What are downstream impacts of induced flooding?

Will there be downstream areas that will be affected with the 480 cfs alternative? What about flooding? Will there be compensation? If we have a big rainstorm and saturated soil downstream, what is effect of outlet on flooding?

The Sheyenne River and Red River have drains that should also be addressed, not just the Devils Lake drains.

We don't have an outlet and already have flooding.

If we controlled Devils Lake and Sheyenne River drains, the Sheyenne River might be able to handle the 300 cfs outlet.

Do Mauve Coulee and Channel A run about equally?

Put the 15-inch rain downstream also, not just in Devils Lake; do the analysis equally.

If wet in Devils Lake it is wet downstream also. Must recognize this.

Only hearing talk about upper basin drains. What about the plugging the Sheyenne River drains?

Need to evaluate downstream effects.

3.3.2 Written Comments Submitted During the Comment Period

C040401-Christopherson: After listening to the presentation, it sounds like people on the Sheyenne River are going to be recipients of the problem regardless of what we say.

C040401-Lunde: There is a double threat to those in the Sheyenne Valley near Cooperstown, Baldhill Dam's five-foot raise for temporary storage and the water from Devils Lake through an outlet to the Sheyenne River. The area below Baldhill Dam wants flood protection and water supply. Devils Lake people want to get rid of water. Do not forget those in between. With travel time from the outlet to downstream locations there will be a delay even if the outlet is shut down immediately due to rain. The water will already be moving downstream. What about protection and compensation for downstream landowners? What protection will we have to minimize impacts due to outlet? How will individuals, not only Cities be compensated?

VC040401-Unknown A: Will the additional flows impact Valley City's efforts to reduce the floodway and/or floodplain with respect to the five-foot raise project? Will the additional flows negatively impact the benefits gained by Valley City from the five-foot raise project? Will flood insurance rates increase in Valley City?

041601-Beard, National Audubon Society: Regarding the unconstrained outlet scenarios that are contemplated by the USACE, your analysis must consider how the added Devils Lake water would compound natural flows in the Sheyenne and Red rivers.

There would many resulting impacts to property and improvements along those rivers as well as to the riverine habitat. We trust that those impacts will be modeled, forecasted, and discussed in great detail.

042001-Pytlik: I have lived in Valley City for 60 years and I have walked the banks of the Sheyenne River for most of those years. I can't walk in many places any more because high water has washed the banks away. I feel sorry for anyone that has had a problem with flooding, but I don't believe the problem should be passed downstream. How anyone can say that drainage has not multiplied the problem is unbelievable to me.

No Date-Y. Sauer: I think it is important to determine how the water got into Devils Lake and what we can do to prevent future inflows. Other concerns are; along the Sheyenne River are native burial grounds and sacred sites, a scenic byway, and a proposed scenic river designation.

3.4 WATER QUANTITY IN DEVILS LAKE

3.4.1 Verbal Comments Summarized From Scoping Meetings

The USACE is only addressing wet (flooding) period rather than both wet and dry climatic conditions. What about the dry cycle when roads will be 20 feet up in the air?

Excluding an inlet in combination with the outlet is an issue. There are water quality and fishery pressures to keep the lake at a certain level. Is there any way that assurance could be given that Devils Lake would be stabilized?

What is the effect of groundwater on lake level?

How realistic are the estimated additional 10 to 15 wet years that will equal 18 to 23 wet years in total? What is the basis for this assumption? In the last 400 years there was only one wet cycle longer than 23 years based on tree ring data.

At what lake level would you build the outlet?

What is the stabilized lake level going to be?

People along the Sheyenne River have not been very attentive as to what may occur if the lake rises up to the 1,459-foot level. Churches Ferry was raised up to create storage to the north, but at whose expense?

Don't imagine that the USACE will let the lake go on its own. The sooner we get water going to the Sheyenne River, the better off we will be.

Downstream people should help and become partners in solving the problem.

Consider putting in an outlet and flood control for downstream or buy out Devils Lake land. We want to solve the problem.

How much more will be spent on road raises and other infrastructure improvements before an outlet is built?

What is the effect around Stump Lake, for example the park?

What would happen if we had a big rainstorm (15 inches) on saturated soil?

How much would an outlet lower Devils Lake?

In 1990 Devils Lake was so low that there was concern about the tourist trade. Then in two years it is too high. Who knows what will happen in the future?

How much would the outlet take off of the lake?

What is the 10 to 15 year wet cycle based on? That would be 23 years, way beyond wet cycles recorded in North Dakota.

Since 1993 the USACE has been studying the odds of lake levels, and the lake keeps exceeding all predictions. Hasn't it been quite inconsistent?

If allowed to reach level of natural overflow 100,000 acres of agricultural land will be flooded, why is this land less important than land downstream?

3.4.2 Written Comments Submitted During the Comment Period

DL040301-LaLonde: The rising water has greatly affected the Devils Lake Town and Country Club. We have lost the use of one full hole and the driving range area. The parking area has been reduced by half. If an outlet not constructed and lake rises to 1,449 we will lose another green and have other problems. The answer is constructing an outlet as quickly as possible. Lake stabilization will benefit many.

DL040301-Ovre: Minor sacrifices by all now will be for the best for all long term. A natural overflow would be a calamity for the entire state. Canadians oppose the water quality; Devils Lake people are not responsible for the present water quality, or for the quality of water in the Sheyenne and Red Rivers. The right and lasting solution of an outlet is long overdue.

041601-Beard, National Audubon Society: The assumption of an ensuing 15-year wet cycle is a departure from accepted practice in hydrologic analysis and will unrealistically skew the results.

041701-Paulson, Peterson Coulee Outlet Association: In the second paragraph of the scoping document, it is stated "However, due to the rapidly rising lake levels, the study focus to date has been primarily on flood damage reduction." The comment about rapidly rising lake levels is no longer true. Currently the lake levels have stabilized. Therefore the scope needs to shift away from primarily flood damage reduction.

040801-Pearson: Need - The proposed action does not address the causes for the recent rise in Devils Lake. The EIS should point out that this increase is well within the natural range of fluctuation and the lake level has reached these levels perhaps a dozen times in the last 10,000 years. The wide fluctuations in Devils Lake are natural and expected events. Development on the historic bed of the lake is the reason flooding is a problem.

Precipitation - The EIS should point out the prediction of wetter than average conditions will persist until at least 2015 is based on novel climatological assumptions and the U.S. Geological Survey Surveys model showing a 2percent chance of Devils Lake overflowing is based on precipitation records for only a 20-year period. Basing the evaluation of proposed actions and alternatives could skew the results and inflate the benefit of the proposed action.

No Date-Unknown B: The biggest problem is that the controlled part of the outlet will be only controlled at the source. Downstream during the months of release and heavy rains will again cause people to be in dire straits. Help us out and build the outlet or just tell us to forget it.

040901-Vandrovee: I attended a meeting last fall at the Eagles Hall in Valley City. I was given two brochures concerning the drainage. The first brochure was from the U.S. Geological Survey and stated what seemed to contain logical points and the other was from the "Save the Sheyenne River" group and it contained selfish, hostile, and criticisms about different issues. Mayor Ryley Rogers from Valley City stated that water flow was no problem if the water was treated. Since then I've talked to various people and their opinions are to save the people and the City of Devils Lake not "Save the Sheyenne."

3.5 SOCIAL ISSUES

3.5.1 Verbal Comments Summarized From Scoping Meetings

What about increases in stress, clinical depression, etc.? Suicide rates are up.

What are the downstream social impacts of a natural overflow and a constructed outlet?

Rain plus floods plus outlet would result in loss life, etc. What are the downstream social effects?

3.5.2 Written Comments Submitted During the Comment Period

DL040301-Ovre: Our family moved to Devils Lake Eagle Bend Development three years ago. Things changed quickly and homes were moved to escape rising water. Only nine families remain in the development. We don't want to lose our neighbors. We hear countless stories of suffering because of ongoing flooding. The delaying action of environmental organizations and downstream interests have caused clinical depression among many. Perhaps worst hit has been our region's farmers. We need to help them survive.

VC040401-Unknown A: Impacts such as the destruction of property from outlet construction, decreases in property values, noise pollution from outlet operation, impacts on cultural resources, and impacts on community and spiritual values to communities west and southwest of Devils Lake, and to the Spirit Lake Nation should be carefully considered as disproportionate impacts to potential environmental justice communities and be included in the NEPA decision-making process. Impacts such as the potential for serous flooding, severe bank erosion, loss of trees, plants and wildlife habitat, lack of access to roads impacting the economic stability for low-income farmers, loss of cropland and pastureland, and negative economic impacts to cattle operation due to water quality and quantity should be considered for downstream communities as disproportionate environmental impacts to a potential environmental justice community and included in the NEPA decision-making process. Specific scientific data should be provided to downstream residents so that they can accurately assess potential impacts to their communities and that definitive information be provide on the impacts of the proposed outlet on the Sheyenne River and the subsequent impacts to downstream communities.

040401-Boknecht: I'm a clinical social worker with 26-years of experience. In the 1999 scoping document, I didn't see much consideration given to health and mental health impacts associated with this unusual flooding event. Our counselors have been finding large families and elderly people with chronic wet basements have been having reoccurring mold and mildew which in turn causes respiratory problems.

While attending the April 3, 2001, scoping meetings, I noticed most people favored an east end outlet. However, downstream communities were not sold with the idea because of water quality. One reason I'm in favor of an outlet is because it would give the people some control over a seemingly uncontrollable disaster.

No Date-Ovre: Our family moved to Devils Lake Eagle Bend Development three years ago. Things changed quickly and homes were moved to escape rising water. Only nine families remain in the development. We don't want to lose our neighbors. We hear countless stories of suffering because of ongoing flooding. The delaying action of environmental organizations and downstream interests have caused clinical depression among many. Perhaps worst hit have been our region's farmers. We need to help them survive. After last Tuesday's scoping meeting it became clear to me I'd forgotten one of the impediments for the outlet is government red tape. It seems frustrating that we need to keep dealing with new people and new administrations. On this project democracy is woefully inadequate. What we need is a benevolent dictatorship. The criterion that the lake must be rising to implement the outlet seems unfair to me.

3.6 ECONOMIC ISSUES

3.6.1 Verbal Comments Summarized From Scoping Meetings

What economic studies are being conducted for natural overflow? Is that part of the justification?

If river runs full all year erosion will increase. How would people be compensated for induced flooding and erosion?

Putting money aside for impacts downstream should be part of the plan.

The West Fargo diversion caused an incremental increase in flooding and erosion in my yard, and I was not reimbursed. More water will cause increased erosion.

What would the cost be to protect the City of Devils Lake to the level of the natural overflow?

Economic impacts of levee and road construction on upstream area.

We need at least another round of road raises. Road raises are expensive; why spend all that money and then conclude we need an outlet and spend more on that?

Are infrastructure investments already made being considered? If we had built the outlet when this first started we would have saved about $300 million in infrastructure costs.

Will the value of tourism, resorts, and parks be considered in the economic study?

Compared to the last plan there have been a lot of improvements. The USACE is not just looking at local impacts, but also at downstream impacts. Forty percent of North Dakota citizens live downstream, not to mention Minnesota and Canada.

Devils Lake is an act of God and we are compensating Devils Lake.

Downstream compensation will likely be cumbersome and a legal nightmare.

Are you looking at total damage downstream with the outlet addressing erosion, water quality, fishing, water supply, individual flooding, water users, etc.?

What will the effect of lake drawdown be on fish and economics of the region?

Will there be economic relief for those downstream? My house is close to river and could fall in.

Most compensation seems to go to governments, what about individuals?

Need to study downstream effects. The USACE needs an outside contractor to conduct unbiased economics studies. How do you compensate for the water quality, quantity, and recreational value of the Sheyenne River? What about non-economic issues, you can't mitigate for the loss of a canoe trip. Didn't want the 300 cfs outlet and now the possibility of a 480 cfs outlet is raised, that would be a disaster.

Fuzzy math for economics. Corps is incapable of doing unbiased study. Need to get an outside contractor to look at it.

Need to evaluate downstream effects on recreational values, economics, etc.

3.6.2 Written Comments Submitted During the Comment Period

DL040301-Chattin: Any cost benefit analysis should include potential costs if a natural overflow occurred.

VC040401-Betting: Who will be responsible to pay for downstream damages from added flooding and bank erosion? How will damages be assessed and by whom? What baseline data are needed and have baseline data been collected yet?

VC040401-Duppler: Water quality, quantity, increased erosion, flooding, damage to downstream areas, lack of benefit for the downstream recipients and the lack of benefit to the Devils Lake area vs. the cost of the outlet, and Canadian precedent are concerns. What are the impacts on biota, stock watered from the river, aquifers fed by the river, and gardens and crops watered by the river? The amount of water outlet will completely overwhelm the water quality of the Sheyenne River. Valley City's water treatment plant will need to be upgraded or water will need to be taken from the Spiritwood Aquifer. Who will pay for this? What will the additional water do to the Sheyenne River? Erosion will increase dramatically as those downstream of Baldhill Dam have already witnessed. Erosion during the wet cycle has already moved the Sheyenne River closer to my house. Who will pay for my home when it falls in the river 40 years sooner because of the outlet? How can the USACE mitigate for flooding caused by water from the outlet that is already on its way downstream when a rain event occurs? The possibility of a natural overflow is low why should we accept the water? Since the outlet will only prevent a few inches of rise, there is no real benefit for the Devils lake area and the cost is high. Devils Lake has received relief for FAS highways, FEMA relief, and flood insurance relief. What will be done for people downstream for the inevitable damage from an outlet?

VC040401-LeFleur: With Devils Lake overflowing, the Sheyenne River will already be in a high flow condition. Only 13 feet until a natural overflow occurs, so it is a real issue. This is serious and we need to prepare. The average annual inflow to Devils Lake in the past seven years would take 291 days at flood stage, not including the water already in the Sheyenne system. This is not a riverine condition that can be modeled after seasonal flooding. The cost/benefit ratio must address this irregularity.

VC040401-Stevens: Have studies been conducted on the costs of protecting homes, farm buildings, towns, and other downstream properties? In 1993, Valley City received a heavy rain and we had a major flood in less than 12 hours. In 1975 Kathryn received a similar rain. In any of these events, water from a Devils Lake outlet could have increased the flow to an uncontrollable level. What about tourism and recreation? Those of us who have lived here our entire lives and have made our living in this picturesque valley want to see it enhanced, not destroyed. It is stated that there is a less than two percent chance that Devils Lake will overflow naturally in the next 15 years. An outlet would cause a far greater chance of disaster to those downstream. What about the costs of dredging and straightening the Sheyenne River and in relocating residents?

VC040401-Tangen: How will people along the Sheyenne River be compensated for the damages they suffer such as having to change filtering systems and treatment plants, fish and wildlife losses, increased bank erosion, wells that can't be used, farmers fences destroyed by high water, loss of livestock crossings,

loss of livestock from drowning, etc.? Who will determine compensation? When the damages for the project are totaled, will you still proceed with an outlet and sacrifice those that live along the Sheyenne and Red Rivers?

No Date-Moore: The USACE has not demonstrated an ability to conduct reliable economic analysis of other projects, so there is little reason to believe that they can do an adequate economic analysis of this project. To date the adverse impacts on the Sheyenne River have not been addressed.

040801-Pearson: Purpose-Reason for the revised notice of intent is given as a change in the Purpose and Need. The costs and benefits related to flood protection costs the reduction of the potential for a natural overflow event need to be considered. The revised Purpose and Need would appear to endorse actions that could actually increase flood protection costs. The EIS should explain whether the purpose is to reduce flood damages at Devils Lake and a potential overflow to the Sheyenne River, or whether it is to identify technically sound and feasible alternatives.

Infrastructure - In addition to evaluating alternatives for continuing measure to raise roads, protect infrastructure, evacuate areas subject to flooding, and maintain and raise the levee protecting the City of Devils Lake, the EIS should address alternatives for compensating farmers and other landowners around the lake whose land is flooded. This could involve fee purchase of private land and conversion to a publicly owned "green belt" around the lake when the level recedes, and it could include lease-back provisions for agricultural lands in some cases.

3.7 DOWNSTREAM NATURAL RESOURCES/BIOTA TRANSFER

3.7.1 Verbal Comment Summarized From Scoping Meetings

The Sheyenne River has a high aesthetic value; the road along the river is a scenic byway, what about affects on forest, birds, etc.? Detailed field aquatic studies need to address what the baseline is and the effect of an outlet on mussels, fish, invertebrates, and habitat. Models and detailed scientific studies are needed, literature review will not provide accurate analysis. Low flows are the basis for life; high flows are detrimental and can be destroyed quickly and easily, but takes a long time to restore. Quick fixes like Channel A are not good, the loss of resources are important. A lot is at stake here. Migrating bird resources need to be considered. An honest and detailed assessment is needed.

3.7.2 Written Comments Submitted During the Comment Period

VC040401-Betting: How will the over 50 fish species, mussels, macroinvertebrates, and other life forms in the Sheyenne River be effected? Who will compensate for this loss and how?

042001-Buckhout, Minnesota Department of Natural Resources: Presented the following technical comments to guide the EIS:

1. The final Scoping Document on the Emergency Outlet for Devils Lake contains what we believe is an inappropriate and contradictory splitting of the biota transfer issue into the two lists of issues. Downstream biota transfer is mentioned in the list of issues that could possibly be mitigated, but are not identified as key to whether to proceed with the project. We are concerned that putting this under the "Other Issues" means that those issues would not be considered in a record of decision recommendation of whether or not to proceed.

2. The USACE should include the Red River of the North in the macroinvertebrate study. The same protocol agreed upon for the Sheyenne River and Lake Ashtabula should be used on four locations in the Red River.

041701-Kotchman, North Dakota Forest Service: What will the impact associated with increased water flows from an outlet on the riparian forests and habitat along the Sheyenne and Red Rivers? Also, what is the potential impact to riparian forests adjacent to Devils Lake and Stump Lake? Will these factors be taken into consideration?

What are the long-term effects on soils that may impact plant health? How will the forest resources be impacted by an outlet and will it affect the aquatic resources of the Sheyenne and Red Rivers? What impact will increased water flows have on water quality?

3.8 OTHER STATES AND NATIONS

3.8.1 Verbal Comments Summarized From Scoping Meetings

What is the role and opinion of Canada in the process and how it would affect project implementation and timing?

What is the opinion of the Canadians, will they live with it?

What is the Canadian position?

Is it impossible for a solution to be handled in the U.S.?

If worked out with Canada it would set a nationwide precedent. More water south than north.

3.8.2 Written Comments Submitted During the Comment Period

042001-Kellow, Transboundary Water Unit Environment Canada: Presented technical comments to guide the EIS. Previous comment letters were also attached. The main issues raised include:

1. Economic and environmental problems associated with biota transfer and the introduction of invasive species.

2. The USACE assumes present wet cycle will continue until Devils Lake overflows as predicted by the University of North Dakota. This assumption must be supported by other climatological scientists.

3. Concerned about the 480 cfs unconstrained operational scenario. Initial water quality evaluation indicate that even the 300 cfs constrained scenario will cause International Joint Commission (IJC) sulfate and total dissolved solids water quality standards and objectives to be exceeded.

4. In order to minimize duplication, NEPA requires joint EISs to be conducted for similar projects with similar impacts in the same region. Recommend completion of a joint EIS for Devils Lake and other water projects in the region.

5. The USACE must ensure consistency of obligations of the Boundary Waters Treaty, especially with Article IV regarding water quality. The USACE must determine if project meets water quality standards established by the IJC.

6. The USACE must consider transboundary effects. The 1999 Scoping Document indicates that the geographic scope of the analysis will not extend beyond the U.S.-Canada border. This is not sufficient. The EIS must include a discussion of impacts within Canada, on Canadian natural resources. The July 1, 1997, CEQ "Memorandum to Heads of Agencies on the Application of the National Environmental Policy Act to Proposed General Actions in the United States with Transboundary Impacts" provides further guidance on this.

3.9 SPIRIT LAKE TRIBE

3.9.1 Verbal Comments Summarized From Scoping Meetings

The USACE has been scoping for years, nothing has been done, and the alternatives seem the same. What does the Twin Lakes outlet look like? Why dig channels around here? Why don't you just let the water go? The reservation is underwater and there is not much room left. Why aren't there dikes around the reservation? We are still waiting for action.

Will land on the reservation be condemned as part of an outlet?

The Spirit Lake Basin Alliance will not allow any outlet on Indian lands without a federal EIS and we oppose an outlet. The Dakota People have lived in harmony with God and nature and we will not allow pipes and channels on our lands where we have authority.

3.9.2 Written Comments Submitted During the Comment Period

SL040301-Shaw: We elders have voiced our opinion against an outlet across our nation's lands. The resolution opposing an outlet is being submitted for protection against any action by the State Water Commission and others who are in support of an emergency outlet.

SL040301-Spirit Lake Basin Alliance: It is our stewardship role to protect, preserve, and manage the Mni Wakan (Sacred Water) for future generations. The scoping process must include all interests, concerns, and cultural perspectives of Indigenous Nations and Peoples. There is an urgent need to conduct environmental mitigation impact studies under NEPA, the National Historic Preservation Act, the Executive Order on Sacred Sites, and Environmental Justice on proposed water projects. Any proposed Federal and State action without first consulting the Spirit Lake Nation will be viewed as a direct threat against the physical, mental, and spiritual well-being of the people and their natural environment. The past, present, and future decision must include a full EIS process and the current administration must respect the voice of the Spirit Lake Nation and Indigenous Nations.

SL040301-Unknown: The Spirit Lake Nation was not included in planning for Mni Wakan. You never try to understand why we oppose the outlet. You need to work with us rather that seeing only what you think is best.

3.10 DOWNSTREAM EROSION AND SEDIMENTATION

3.10.1 Written Comment Submitted During the Comment Period

C040401-Christopherson: The Sheyenne River is slow meandering river, never meant to be used as a drainage ditch. Bank erosion is bad now, what would it be like if it ran full all summer? The June 2000 flood caused dramatic differences in some places. An outlet would only have made it worse. Trees are falling into the river due to the undercutting of the banks. Half of my farmland is flooded each spring. How can you handle rain events with outlet without causing damage to landowners along the river? The Sheyenne River was out of its bank four times last year. The outlet just transfers the problem to another group of people.

3.11 OTHER

3.11.1 Verbal Comments Summarized From Scoping Meetings

Indian people believe that water will flow out of Stump Lake at 1,450 feet, not 1,459 feet.

If State moves ahead with State plan, what does USACE do with their plan?

What is best for the majority?

The Governor signed the Bill for NDSWC allowing State to match federal funds and build an outlet as well. Will an EIS need to be completed prior to construction?

Votes for appropriations by legislatures from all states will be needed. We don't have many people here.

Look at winter discharge also.

West end outlet will destroy lake; need inlet from Missouri River.

Who determines operation of an outlet and when to turn it off?

Where would the State outlet be?

Is there a County Water Board representative for each affected county?

What liability will the state have if the outlet is installed and it is not needed?

Can solution be handled in the U.S.?

Devils Lake has a problem but downstream is being dumped on and transferring water downstream doesn't solve it.

The State of North Dakota water policy does not address climate variation. It is unjust to shift the problem to those downstream from those that created the problem.

Next 15-20 years being wet is unrealistic, what is it based on? Natural overflow is not a good assumption. Opposite is true.

Will the LIDAR mapping of the Sheyenne River valley be available to other water planners?

What is the TIGER report?

3.11.2 Written Comments Submitted During the Comment Period

VC040401-Betting: Devils Lake Study newsletter referenced a previous study in 1999. Where is this study, it should be made public because decisions were based on it? We were told it was hidden. Can we get it? What differences are there between the two purposes described in the original one and this new one to reduce the potential for a natural overflow event?

Why do citizens whose lives and properties will be adversely affected need to spend time, money, and emotional resources to gather data and defend themselves from harm by agencies expected to protect them? Why haven't the studies we are asking for been done already?

041601-Beard, National Audubon Society: We have been informed that the draft EIS and related studies that were done using public funds at the direction of PL 105-18 will not be made available to the public. We believe that the results have a direct bearing on the current NEPA process and are essential for background information for the public.

041701-Paulson, Peterson Coulee Outlet Association: Figure 2 (1999 Scoping Document) is inaccurate since it shows the community of Oberon at US Highway 281 and it is actually located several miles to the west. Section 4.0 (1999 Scoping Document) should include three additional issues and placed in the category of "Key Issues Identified." The issues are operational issues, groundwater, and Devils Lake water quality. Since an inlet could potentially be included in the long-term water management of Devils Lake, it should be included as one of the issues for the project in the EIS. Section 6.0 (1999 Scoping Document) is a summary of the written comments received from the 1998 scoping process. Our association does not agree with many of the responses from the USACE.

040801-Pearson: Illegal scoping process - The USACE has not made the draft EIS or associated reports available for public review and therefore will remain in violation of NEPA until they are released for public review.

APPENDIX B

WRITTEN COMMENTS
SUPPLEMENTAL SCOPING MEETINGS

Cooperstown, North Dakota, Meeting

- C040401-Christopherson
- C040401-Lunde

Devils Lake, North Dakota, Meeting

- DL040301-Chattin
- DL040301-Erickstart
- DL040301-Herman
- DL040301-LaLonde
- DL040301-Ovre

Spirit Lake, North Dakota, Meeting

- SL040301-Shaw
- SL040301-Spirit Lake Basin Alliance
- SL040301-Unknown

Valley City, North Dakota, Meeting

- VC040401-Berg
- VC040401-Betting, Save the Sheyenne
- VC040401-Duppler
- VC040401-Herman
- VC040401-Lafleur
- VC040401-Stevens
- VC040401-Tangen, Save the Sheyenne
- VC040401-Voldal
- VC040401-Unknown A
- VC040401-Unknown B

Other Comments Received

- No Date-Beach
- 041601-Beard, National Audubon Society
- No Date-Bemis
- No Date-Bittner
- 041801-Bloomgren, Minnesota Department of Health
- 040401-Boknecht
- 042001-Buckhout, Minnesota Department of Natural Resources
- No Date-Burchill
- 041101-Goulding
- 042001-Kellow, Transboundary Waters Unit Environment Canada
- 041701-Kotchman
- 040901-Kwapinski
- 040901-Legge
- 041001-Legge
- 042001-Mahfood, Missouri Department of Natural Resources
- No Date-Moore
- No Date-Ovre
- 041701-Paulson, Peterson Coulee Association
- 040801-Pearson
- 041201-Perkins
- 042001-Pytlik
- No Date-B. Sauer
- No Date-M. Sauer A
- No Date-M. Sauer B
- No Date-Y. Sauer
- 041701-Schneider
- No Date-Unknown A
- No Date-Unknown B
- 040901-Vandrovee
- 040401-Vig
- 041901-Webster